

IN RE: PETITION FOR ZONING VARIANCE
S/S Blackhead Road, 450' E of
the c/l of Crooks Road
(6611 Blackhead Road)
15th Election District
5th Councilmanic District
David G. Helmick and
Carol J. Tevis -
Petitioners

* BEFORE THE
* DEPUTY ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No. 90-511-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a side yard setback of 20 feet in lieu of the required 35 feet for a proposed addition in accordance with Petitioner's Exhibit 1.

The Petitioners appeared and testified. There were no Protestants. Testimony indicated that the subject property, known as 6611 Blackhead Road, consists of 27,948 sq.ft. zoned R.C. 2 and is improved with a single family dwelling, a detached garage and shed. Said property is located within the Chesapeake Bay Critical Areas near Bird River. Petitioners are desirous of constructing an addition to the dwelling to expand the existing bedrooms and provide more habitable space. Testimony indicated that the subject dwelling was built more than 40 years ago with two small bedrooms and no closet space. Petitioners testified they have spoken with the adjoining property owners who have no objections to their request. Testimony indicated that the relief requested will not result in any detriment to the health, safety or general welfare of the surrounding community.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore

be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

In accordance with Section 500.14 of the B.C.Z.R., the Director of the Department of Environmental Protection and Resource Management has submitted recommendations which describe what steps the Petitioner must take to insure that the relief requested complies with the following Chesapeake Bay Critical Areas requirements to:

- 1) Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have run off from surrounding lands;
- 2) Conserve fish, wildlife, and plant habitat; and
- 3) Be consistent with established land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that, even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts.

These recommendations shall be attached hereto and become a permanent part of the decision rendered in this case. There is no evidence in the record that the relief requested would adversely affect the health, safety, and/or general welfare of the public provided there is compliance with the requirements of the Department of Environmental Protection and Resource Management as more fully described below.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 9th day of July, 1990 that the Petition for Zoning Variance to permit a side yard setback of 20 feet in lieu of the required 35 feet for a proposed addition, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted.

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

IT IS FURTHER ORDERED that the Petitioner shall comply fully and completely with all requirements and recommendations of the Department of Environmental Protection and Resource Management, as set forth in their comments dated June 15, 1990, attached hereto and made a part hereof.

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

ORDER RECEIVED FOR FILING
Date 7/9/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/9/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/9/90
By [Signature]

ORDER RECEIVED FOR FILING
Date 7/9/90
By [Signature]

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353
J. Robert Haines
Zoning Commissioner

July 9, 1990



Mr. David G. Helmick
Ms. Carol J. Tevis
6611 Blackhead Road
Baltimore, Maryland 21220

RE: PETITION FOR ZONING VARIANCE
S/S Blackhead Road, 450' E of the c/l of Crooks Road
(6611 Blackhead Road)
15th Election District - 5th Councilmanic District
David G. Helmick and Carol J. Tevis - Petitioners
Case No. 90-511-A

Dear Mr. Helmick & Ms. Tevis:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

ANN M. NASTAROWICZ
Deputy Zoning Commissioner
for Baltimore County

AMN:bjs

cc: People's Counsel

File

Chesapeake Bay Critical Areas Commission
Towson State Office Building, D-4, Annapolis, Md. 21404

DEPREM

#374
PETITION FOR ZONING VARIANCE
TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: **CRITICAL AREA 90-511-A**
The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 100.3.B.2 TO PERMIT A SIDE YARD SETBACK OF 20 FT. IN LIEU OF THE REQUIRED 35 FT.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)
1. 2 existing bedrooms are very small (11'x10') with no closets.
2. We are planning on having a baby and need the additional space.
3. We currently have clothing and furniture stored in the garage and sheds, and could use additional closet space inside the home.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney for Petitioner: _____
(Type or Print Name)
Signature _____
Address _____
City and State _____
Attorney's Telephone No.: _____
Address _____
Phone No. _____

Legal Owner(s):
MR. DAVID G. HELMICK
(Type or Print Name)
Signature [Signature]
MS. CAROL J. TEVIS
(Type or Print Name)
Signature [Signature]
Address 6611 BLACKHEAD ROAD HOME 335-9139
Baltimore, Maryland 21220
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted
SAME AS ABOVE (LEGAL OWNERS)
Name
Address
Phone No.

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 19____, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 19____, at _____ o'clock _____ M.

ESTIMATED LENGTH OF HEARING 1-1/2 HRS.
AVAILABLE FOR HEARING MON. / TUES. / WED. - NEXT TWO WEEKS
ALL OTHERS OTHER (over)
REVISED BY: [Signature] DATE 4-24-90

ORDER RECEIVED FOR FILING
Date 7/9/90
By [Signature]

#374
ZONING DESCRIPTION **CRITICAL AREA 90-511-A**
Beginning at a point on the South side of Blackhead Road which is 12 feet wide at the distance of 450 feet east of the centerline of the nearest improved intersecting street, Crooks Road, which is 12 feet wide. *Being Lot #163 and #164, Section #2 in the subdivision of Bird River Beach, Baltimore County as recorded in Baltimore County Plat Book #12, Folio #85, containing 27,948 sq.ft. or .64 acres. Also known as 6611 Blackhead Road and located in the 15th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District 15th Date of Posting 6/15/90
Posted for: Variance
Petitioner: David G. Helmick & Carol J. Tevis
Location of property: S/S Blackhead Rd. 15th Floor Rd. 6611 Blackhead Rd.
Location of Sign: Facing Blackhead Rd. 15th Floor Rd. 6611 Blackhead Rd.
Remarks: [Signature]
Posted by: [Signature] Date of return: 6/15/90
Number of Signs: 1

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date 4/24/90 H9000374
PUBLIC HEARING FEES QTY PRICE
010 -ZONING VARIANCE (IRL) 1 X \$35.00
TOTAL: \$35.00
LAST NAME OF OWNER: HELMICK

B C15*****3500:a 3246F
Please make checks payable to: Baltimore County

Cashier Validation:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: May 24, 1990
FROM: Robert W. Bowling, P.E.
RE: Zoning Advisory Committee Meeting
for May 15, 1990

The Developers Engineering Division has reviewed the subject zoning item and we have no comments for Items 353, 361, 374, 377 and 379

For Items 375 and 376, the previous County Review Group Comments still apply.

For Item 373, the shed shown in the easement is acceptable if not permanent (on a concrete base).

For Item 378, the lot is parallelogram. If the house is not built square to the side lot lines, the northern-most corner of the house will have much less than a 10-foot side yard.

Robert W. Bowling / DAK
ROBERT W. BOWLING, P.E., Chief
Developers Engineering Division

EWB:s

TO: Mr. J. Robert Haines
Zoning Commissioner

DATE: June 14, 1990

FROM: Mr. Robert W. Sheesley

SUBJECT: Petition for Zoning Variance - Item 374
Helmick-Tevis Property
Chesapeake Bay Critical Area Findings

RECEIVED
JUL 5 1990

ZONING OFFICE

SITE LOCATION

The subject property is located at 6611 Blackhead Road in E'd River Beach. The site is within the Chesapeake Bay Critical Area and is classified as a Limited Development Area (LDA).

APPLICANT'S NAME David G. Helmick and Carol J. Tevis

APPLICANT PROPOSAL

The applicant has requested a variance from section 1A01.3.B.3 of the Baltimore County Zoning Regulations "to permit a side yard set back of 20 feet in lieu of the required 35 feet."

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts."

<COMAR 14.15.10.01.0>

7/5/90 REC. LATE COMMENTS-PAUL (initials)

Memo to Mr. J. Robert Haines
June 14, 1990
Page 2

REGULATIONS AND FINDINGS

1. Regulation: "A minimum 100 foot buffer shall be established landward from the mean high water line of tidal waters, tidal wetlands, and tributary streams" <Baltimore County Code Sec. 22-213(a)>.

Finding: The site is not a waterfront lot and is located outside of the 100 foot buffer, therefore no disturbance within the buffer shall occur.

2. Regulation: "No dredging, filling, or construction in any wetland shall be permitted. Any wetland must be adequately protected from contamination." <Baltimore County Code Sec. 22-98>

Finding: No tidal or non-tidal wetlands were found on this site, or in the vicinity of the site, therefore no disturbance of wetlands shall occur.

3. Regulation: "The sum of all man-made impervious areas shall not exceed 15% of the lot" <COMAR 14.15.02.04 C.(7)>.

Finding: The sum of all man-made impervious areas equals 10% of the lot, including the proposed addition. This will limit future development of the site to an additional 1,397 square feet or 5% of the total site area. At no time shall the sum of impervious surfaces exceed 15% of the lot.

4. Regulation: "If no forest is established on proposed development sites, these sites shall be planted to provide a forest or developed woodland of at least 15%" <COMAR 14.15.02.04 C.(5)>.

Finding: The site contains approximately 20 trees and is therefore in compliance with the above regulation. No disturbance of any trees is proposed. Any trees that are cleared shall be replaced.

Trees are an important factor in improving water quality. The roots of trees greatly improve the infiltration rate of storm water and efficiently remove nitrogen from subsurface flow of groundwater. Trees also act as both a barrier and a sponge, blocking and absorbing eroding soils and the phosphorous associated with them.

5. Regulation: "The stormwater management system shall be designed so that:

(1) Development will not cause downstream property, watercourses, channels or conduits to receive stormwater runoff at a higher rate than would have resulted from a ten year frequency storm if the land had remained in its predevelopment state;

Memo to Mr. J. Robert Haines
June 14, 1990
Page 3

(2) Infiltration of water is maximized throughout the site, rather than directing flow to single discharge points; and

(3) Storm drain discharge points are decentralized to simulate the predevelopment hydrologic regime.

(4) There is sufficient storage capacity to achieve water quality goals of COMAR 14.15 and to eliminate all runoff caused by the development in excess of that which would have come from the site if it were in its predevelopment state" <Baltimore County Code, Section 22-217(h)>.

Finding: In order to comply with the above regulations, rooftop runoff from the proposed building shall be directed through downspouts and into Dutch drains or seepage pits (see attached drainage information sheet). This will encourage maximum infiltration of stormwater and decrease the amount of runoff leaving the site.

CONCLUSION

The Zoning Variance shall be conditioned so the project proposal is in compliance with the Chesapeake Bay Critical Area Regulations and Findings listed above.

Upon compliance with Chesapeake Bay Critical Area Regulations, this project will be approved. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

Robert W. Sheesley
Robert W. Sheesley, Director
Department of Environmental Protection
and Resource Management

RWS:DCF:ju
Attachment

cc: The Honorable Ronald B. Hickernell
The Honorable Norman W. Lauenstein
The Honorable Dale T. Volz
Mrs. Janice B. Outen
Ms. Gwynn Schultz

